



COMMONWEALTH of VIRGINIA

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Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

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March 8, 2001

Report to the Virginia Waste Management Board

Re: Vegetative Waste Management and Yard Waste Composting Regulations,
9 VAC 20-101-10 et seq., Three Year Review

Executive Order Number Twenty-five (1998) and 9 VAC 20-101-50.F of the regulations require that the subject regulations be reviewed every three years and that a report be submitted to the board. In preparation of the report, a notice in the Virginia Register (attached) on November 20, 2000 announced a public comment period between that date and December 22, 2000. The announcement specifically requested public comment in the review of any issue relating to these regulations including whether (i) the regulations are effective in achieving their goals; (ii) the regulations are essential to protect the health, safety of welfare of citizens or for the economical performance of important governmental functions; (iii) there are less burdensome and less intrusive alternatives for achieving the purpose of the regulations; and (iv) the regulations are clearly written and easily understandable by the affected persons. One letter (attached) was received in response to the notice.

Based on the low response from the public and the regional staff, there seems little reason to revise the regulations at this time. The Virginia statutory provisions mandating the regulations are still in effect, and the Department of Environmental Quality believes the regulations have been effective and are still needed to consolidate the waste management provisions regarding vegetative waste and yard waste and to provide reduced permitting procedures for facilities managing these types of waste. There are no equivalent federal requirements. Although some statutory language that is included in the regulations is somewhat complex, the department believes the regulations are clearly written and easy to understand.

The department recommends continuing the Vegetative Waste Management and Yard Waste Composting Regulations, 9 VAC 20-101-10 et seq. in their current form.

Submitted,

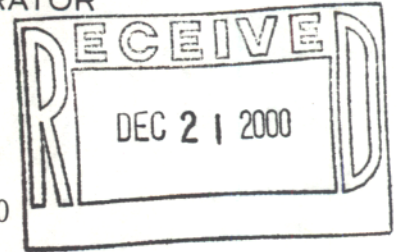
A handwritten signature in black ink that reads "Robert G. Wickline".

Robert G. Wickline, P. E.,
Regulatory Development Administrator
Office of Waste Programs



Bedford County

OFFICE OF THE COUNTY ADMINISTRATOR



December 19, 2000

Mr. Robert G. Wickline
Department of Environmental Quality
P.O. Box 10009
Richmond, VA 23240-0009

RE: Comments - Vegetative Waste Management and Yard Waste Composting
Regulations (9 VAC 20-101-10 et. seq)

Dear Mr. Wickline:

Thank you for the opportunity to submit comments concerning the Vegetative/Yard Waste regulations. Revised vegetative/yard waste regulations have been needed for several years and I appreciate this opportunity to submit comments supporting their review and revision.

Bedford County has rolling topography and a land area of 764 square miles. It continues to experience rapid population growth and development because of its location between the cities of Lynchburg and Roanoke. Because of this development, debris waste continues to be a problem waste stream.

Bedford County operates its own solid waste management facilities. Despite the County's growth, debris waste is a minor component of the delivered waste stream averaging less than 500 tons annually. As an alternative to disposal at a permitted facility, the regulations allow burial of debris waste in agricultural and forestal settings on one's own property. Unfortunately because of the County's size and rural nature, this regulatory restriction is not often practiced in Bedford County nor is it enforceable by DEQ or local authorities.

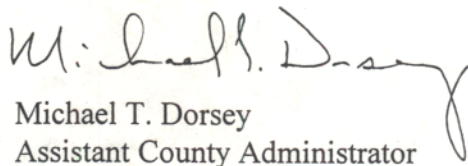
In practice, contractors often haul debris waste to nearby farms where the material is either burned or buried as fill in ravines. Because the current regulations require disposal alternatives that are both expensive and impractical for local contractors to implement, numerous stump dumps are being created that are unregulated and not monitored. Additionally, they are not mapped, which may cause future property owners severe hardship.

Its requested that the Virginia Waste Management Board consider allowing farms to receive permits from localities that conditionally allow debris waste burning and burial if: (1) local zoning laws allow the requested activity, (2) the disposal area has been surveyed, (3) the deed has a notation indicating the location of a debris burning/disposal area, and (4) adequate safeguards pertaining to erosion and surface water protection, fire and vector control are in-place, and (5) the farm owner and contractor agree to inspections by DEQ and local authorities.

In summary, as described above the current debris disposal regulations are unnecessarily expensive, non-enforceable and are resulting in unmanaged waste streams with potential significant impact to future property owners. This has been an ongoing problem in Bedford County for several years.

I hope the issues in this letter are considered sufficiently important to result in the review and future revision of the vegetative/yard waste regulations. Please let me know if you would like more information or I can help in any way.

Sincerely,


Michael T. Dorsey
Assistant County Administrator

cc: William C. Rolfe, County Administrator